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PATENT

ATTORNEY DOCKET NO. 056100-5022-11

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chris SOMERVILLE *et al.*

Application No.: 09/885,188

Filed: June 21, 2001

For: PRODUCTION OF HYDROXYLATED FATTY ACIDS  
IN GENETICALLY MODIFIED PLANTS)  
)  
) Group Art Unit: 1638  
)  
) Examiner: E. McElwain  
)  
)Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

MAY 14 2003

TECH CENTER 1600/2900

Sir:

**TRANSMITTAL FORM FOR AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT**

1. Transmitted herewith is an Amendment and Response to the Restriction Requirement mailed February 10, 2003. Applicants respectfully submit that the instant response is being timely filed pursuant to the next-business-day rule with a petition for a 2-month extension of time, May 10, 2003 having fallen on a Saturday.

2. Extension Of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>
<input checked="" type="checkbox"/> two months	\$ 410.00

If an additional extension of time is required, please consider this a Petition therefor.

3. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. § 1.16)**RECEIVED**

CLAIMS AS AMENDED						MAY 14 2003
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	TECH CENTER 1600/2900 Total Fees
Total Claims (37 C.F.R. §1.16(c))	24	minus	41	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	2	minus	5	0	x \$84 each=	+ \$0
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$280.00	+ \$
<b>SUB-TOTAL =</b>						<b>\$</b>
Reduction by 2 for filing by a small entity						- \$
<b>TOTAL FEE =</b>						<b>\$</b>

5. Fee Payment

- ☒ The Commissioner is hereby authorized to charge **\$410.00** for two-month Extension of Time to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §' 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:

*Enrique Longton*

Enrique D. Longton

Reg. No. 47,304

Date: May 12, 2003

Customer No. 009629

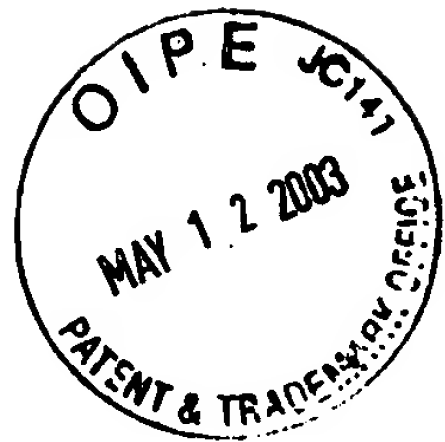
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Assistant Commissioner for Patents  
Washington, D.C. 20231

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AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

This Amendment and Response is being timely filed in reply to the Restriction Requirement mailed February 10, 2003 with a request for a two-month extension of time. This response is filed pursuant to the next-business-day rule, May 10, 2003 having fallen on a Saturday. Entry of the Amendment is respectfully requested.

IN THE CLAIMS

Please cancel claims 20, 24-26 and 28-30. Please amend the claims as follows:

1-19. [Previously Canceled]

20. [CANCEL]

21. [Previously Canceled]

22. [AMENDED] Triglyceride oil obtained from seeds of a transgenic plant, wherein said plant comprises ~~[is transformed with]~~ a recombinant DNA construct, said construct comprising a

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